

DAVID T. MALOOF (DM 3350)
THOMAS M. EAGAN (TM 1713)
MALOOF BROWNE & EAGAN LLC
411 Theodore Fremd Avenue - Suite 190
Rye, New York 10580
(914) 921-1200
*Attorneys for Plaintiff Nippon Express
U.S.A. (Illinois), Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

NIPPON EXPRESS U.S.A. (ILLINOIS), INC., :

Plaintiff, :

- against - :

M/V CHANG JIANG BRIDGE and YANG
MING MARINE TRANSPORT
CORPORATION, :

Defendant. :

----- x

06 Civ. 0694 (PKC)

**SECOND DECLARATION IN
OPPOSITION TO MOTION**

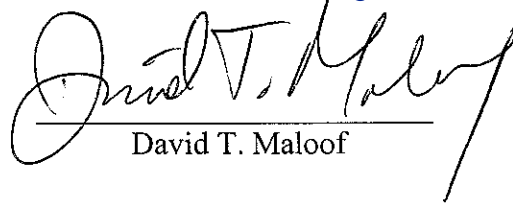
I, David T. Maloof, declare:

1. I am a member of Maloof Browne & Eagan LLC and submit this Second Declaration in Opposition to Defendant Yang Ming Marine Transport Corp.'s Motion to Dismiss the Claims Against it on the Ground of a Foreign Forum Selection Agreement.

2. I attach as Exhibit I the Stevedoring and Terminal Service Agreement for Yang Ming Line concerning the terminal handling phase of the transportation of the cargo at issue, as provided to me by Yang Ming during discovery, which in fact calls for arbitration in Los Angeles, not litigation in the United Kingdom. Yang Ming has never demanded arbitration. This replaces the prior Exhibit H which Yang Ming has now confirmed was not the contract at issue.

I declare under the penalties of perjury of the laws of the United States that the foregoing is true and correct.

Dated: Rye, New York
November 28, 2007



David T. Maloof